

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAVID G. TAYLOR,
Plaintiff,

v.

STATE OF WASHINGTON,
Defendant.

Case No. C06-5257 FDB

ORDER DECLINING TO ADOPT
REPORT AND RECOMMENDATION


Petitioner filed a habeas corpus petition and named the State of Washington as Respondent. The Court ordered Petitioner to amend his petition to name a proper respondent or the petition would be dismissed. The Petitioner having failed to amend within the time allowed, the Magistrate Judge recommends that the petition be dismissed. The Petitioner has filed an objection setting forth evidence that he did not receive the Court's order in a timely manner and submitted an amended petition naming Doug Waddington, Superintendent of Stafford Creek Correctional Center as Respondent.

The Court finds that Petitioner amended his petition to name a proper Respondent. Accordingly it is ORDERED:

ORDER - 1

- (1) The Court declines to adopt Report and Recommendation
- (2) The Petition is amended to name Doug Waddington as Respondent.
- (3) The Petition is referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b) and Local Rules MJR 3 and 4 for further consideration.
- (2) The Clerk is directed to send copies of this Order to Petitioner, Magistrate Judge, J. Kelly Arnold, and any other party that has appeared in this action.

DATED this 2nd day of October, 2006.



FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE